

EXHIBIT

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Counsel for Indirect Purchaser Plaintiffs

7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**

10 **IN RE: CATHODE RAY TUBE (CRT)**
11 **ANTITRUST LITIGATION**

Case No. 3:07-cv-5944
MDL No. 1917

CLASS ACTION

12 This Document Relates to:
13 All Indirect Purchaser Actions
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**MOTION FOR PERMISSION TO FILE
REPLY IN SUPPORT OF OBJECTIONS TO
LEAD COUNSEL'S MOTIONS FOR FINAL
APPROVAL AND ATTORNEYS' FEES**

Pursuant to Federal Rule of Civil Procedure 6 and Local Rule 6-3, this Motion for Permission to File Reply in Support of Objections to Lead Counsel's Motions for Final Approval and Attorneys' Fees is submitted by class members and indirect purchasers of Cathode Ray Tube, Anthony Gianasca, Gloria Comeaux, Mina Ashkannejhad individually and/or as Administrator of the Estate of the Late R. Deryl Edwards, Jr., Jeffrey Speaect, Rosemary Ciccone and Jeff Craig (the "Plaintiffs"), through their counsel Bonsignore Trial Lawyers, PLLC.¹ In support of this Motion, Plaintiffs state:

This and the accompanying papers are respectfully submitted in reply to Lead Counsel's Motions for Final Approval and for Attorneys' Fees. The Reply was to be filed via the JAMS Electronic Filing System by December 9, 2015. Plaintiffs' Gianasca and Ashkannejhad were not timely provided with copies of their deposition transcripts and full attachments through no fault of their own. In fact, Ms. Ashkannejhad still has not received a copy of her October 29, 2015 deposition or its exhibits.

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(B), when a party moves the Court to accept a filing after a deadline, the court may do so "where the failure to [file before the deadline] was the result of excusable neglect." The standard for determining excusable neglect is set by balancing the following five factors: (1) the danger of prejudice to the nonmoving party; (2) the length of the delay and its potential impact on judicial proceedings; (3) the reason for the delay; (4) whether the delay was within the reasonable control of the moving party; and (5) whether the late-filing party acted in good faith. *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993).

Here, the filing of Plaintiffs' Reply will harm neither the Defendants nor Lead Counsel by leave of Court. If the Court permits Plaintiffs' Motion there will be no impact upon any proceedings. The delay in the filing is less than one week and will therefore not impact the hearing scheduled for March 15, 2015 on Lead Counsel's motions or any further related filing.

¹ Moving counsel has requested that Lead Counsel stipulate to this request and will promptly advise if an assent is granted.

1 Although the widow Ashkannejhad is prejudice by the fact she does not have the benefit of her
 2 deposition, she has approved this filing because she has no reasonable alternative. The delay was
 3 not the result of any manipulation, animus or bad faith on her part. At best it was inadvertence on
 4 the part of another who she has no control over. The production and timing of the receipt of the
 5 Gianasca deposition² was also not within the control of Plaintiffs. Indirect purchasers of Cathode
 6 Ray Tube, Anthony Gianasca, Gloria Comeaux, Mina Ashkannejhad individually and/or as
 7 Administrator of the Estate of the Late R. Deryl Edwards, Jr., Jeffrey Speaect, Rosemary Ciccone
 8 and Jeff Craig contend the delay was not carried out by them in bad faith and is excusable.

9 Accordingly, Plaintiffs request that permission to file a reply in support of their objections
 10 to lead counsel's motions for file approval and attorneys' fees in the form attached hereto as
 11 Exhibit A be granted and that the Order attached hereto as Exhibit B be entered in this case.

12 Dated: December 15, 2015

Robert J. Bonsignore

15 /s/ Robert J. Bonsignore

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 27 ² The Gianasca deposition contains transcription errors and the attachments returned do not match
 28 the record of what was produced. While these discrepancies can be worked through, they took time
 to sort out.

CERTIFICATE OF SERVICE

I, Robert J. Bonsignore, hereby certify that on this 15th day of December 2015, I caused the foregoing to be electronically filed with the JAMS Electronic Filing (“JAMS”) System, which will send a notice of electronic filing to all parties registered with the JAMS system in the above-captioned matter. A copy will be forwarded via first class mail, postage prepaid, to those parties not electronically registered.

/s/ Robert J. Bonsignore

Robert J. Bonsignore